



City of Eugene Bring Your Bag FAQ - RETAILERS

In an effort to promote reusable shopping bags and reduce litter, the City of Eugene joins other cities — including Corvallis, Portland, San Francisco, Seattle, and Austin — in encouraging the use of reusable bags by banning single-use plastic carryout bags within city limits beginning May 1, 2013. Eugeneans use an estimated 67 million single-use plastic carryout bags each year. Single-use plastic carryout bags may offer short-term convenience, but they have long-term costs in terms of litter and impact on wildlife and the environment. As a result of the new law ([Eugene Ordinance 20948](#)), fewer unnecessary plastic carryout bags will litter Eugene neighborhoods, parks, and natural areas.

When are retailers required to stop providing single-use plastic carryout bags?

City of Eugene retailers will be required to stop providing single-use plastic carryout bags to customers on May 1, 2013 when the new ordinance goes into effect. However, retailers can begin the transition at any time before this date.

What businesses does this apply to?

All retail businesses, including grocery stores, department and clothing stores, convenience stores and local markets located within the City of Eugene will be required to provide only recycled paper bags or reusable bags as carryout bags for customers.

What about farmers' markets, street fairs, festivals, and events?

The ordinance requires compliance from any store, shop, sales outlet, or vendor located within the City of Eugene that sells goods at retail. These types of establishments fall under that definition and are required to comply.

How will the City follow up with store owners and help them prepare for the ban?

The City will be working with businesses as they transition away from using single-use plastic carryout bags. Several information sessions for businesses will be held in April to answer questions about the new rules and more information is available on the City's website, www.eugene-or.gov/plasticbags, or by calling 541-682-5652.

What plastic bags are prohibited?

All single-use plastic carryout bags provided at the point of sale that are less than 4 mils thick are prohibited. Bags constructed of durable plastic (4 mils or thicker) are considered reusable and are allowed.

What is a 'mil'?

A 'mil' is a plastics industry term for a thousandth of an inch. It does not stand for 'millimeter.'

Can I provide plastic bags made of compostable materials?

Not if they are less than 4 mils thick.

What types of plastic bags are allowed?

The following types of plastic bags are allowed:

- Bags used to package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items;
- Bags that contain or wrap frozen foods, meat, and fish;
- Bags that contain or wrap flowers, potted plants, or other items where dampness may be a problem;
- Bags that contain unwrapped prepared foods or bakery goods;
- Pharmacy prescription bags;
- Bags that protect fragile items, such as glassware and breakables, which are then placed in a carryout bag.

Can I provide paper bags at the point of sale?

Yes. All paper bags provided at the point of sale must be made of 40% recycled content and be 100% recyclable, and must be capable of composting completely. In addition, your store must charge a minimum of 5 cents for each paper bag provided at the point of sale. Paper bags provided at a time other than the point of sale do not require a 5-cent charge.

Do I have to charge my customers for all paper bags?

No. But any size paper bag supplied to the customer at *the point of sale* must have a minimum 5-cent charge.

What does the 5-cent charge for paper bags go toward?

The 5-cent charge goes back to the retailer, unless otherwise specified by the store.

Is it necessary for my store to keep a record of how many paper and reusable bags sold?

Yes, every retailer is required to maintain records showing pass-through fees collected on paper bags. Records should be kept for three years.

Can retailers provide “reusable” plastic bags?

Yes. Reusable bags are made out of durable materials specifically designed and manufactured for multiple reuse. Reusable plastic bags are at least 4 mils thick. They may be provided free or charged for at the store’s discretion.

Am I required to provide reusable bags or recyclable paper bags at checkout?

No. You may choose to provide either, both, or neither. If you provide paper bags, you must charge at least 5 cents for each bag. If your store provides reusable plastic bags, the bags must be at least 4 mils thick to be considered “reusable.”

Are stores required to charge 5 cents for the 4+ mil heavy-weight plastic bags?

No, retailers do not have to charge for the 4+ mils thicker plastic bags permitted by the ordinance.

What about bags that are almost 4 mils thick?

Should a question arise, retailers should be prepared to show that the bags they are using are 4 mils thick or greater. It might be a good idea for retailers to ask bag suppliers to include the thickness of the bag on invoices.

Is there a requirement for recycled content in paper bags?

Only for paper bags offered at checkout, which must contain a minimum of 40% recycled content, must be 100% recyclable, and must be capable of composting completely.

Are any businesses exempt from the ban?

Yes. Restaurants and other establishments where the primary business is the preparation of food or drink may provide customers with single-use plastic carryout bags for hot, prepared takeout foods and liquids.

The ordinance allows a restaurant to use plastic bags for hot, prepared takeout food. If a restaurant wants to use paper bags instead, does the restaurant have to charge 5 cents per bag?

The intent of the ordinance was to move away from plastic bags. The goal is to use reusable bags rather than paper bags, but the even greater goal is to avoid using plastic bags. City staff will be asking the Council during a review of the ordinance later this year to clarify that a restaurant can use paper bags for hot, prepared takeout food without charging 5 cents per bag. Until staff are able to ask the Council to clarify the ordinance, the City will not take enforcement action against a restaurant which chooses to provide – without charge – paper bags rather than plastic bags for hot, prepared take-out food. As stated in the ordinance, paper bags must contain 40% recycled content.

Are grocers' deli counters exempt like restaurants that serve hot, prepared takeout foods?

Yes. Hot, prepared takeout foods such as roasted chicken and soups can be placed in protective plastic bags at the deli counter as needed to prevent leaks or spills.

If restaurants are selling items other than hot, prepared takeout foods are the bags they use still exempt?

No. If the items being purchased are not prepared hot, prepared takeout foods, then single-use plastic carryout bags less than 4 mils thick may not be used.

How can I apply for a business undue hardship exemption?

If you feel that your business qualifies for a one-year exemption from the ordinance requirements, you may submit an Exemption Request to the City of Eugene at wasteprevention@ci.eugene.or.us or Waste Prevention Program, 99 West 10th Avenue, Eugene, OR 97401. This request must be submitted in electronic or paper form and include the following information:

1. The name, address, and type of retail establishment;
2. A detailed statement describing:
 - a. The reason(s) meeting the code requirements would create an undue hardship or practical difficulty;
 - b. Any and all actions taken by the business to overcome the hardship;
 - c. How often the business purchases single-use plastic carryout bags, when the last order of bags was made, and how many bags were ordered.
3. If a business is requesting an exemption for multiple locations, each location must be identified within the request.

When does the undue hardship exemption expire?

The undue hardship exemption expires April 30, 2014.

Are any customers exempt from the 5-cent charge on paper bags?

Yes. Customers who use a voucher issued under the Women, Infants, and Children (WIC) Program may request a paper bag or reusable bag at no cost at the point of sale. Retailers may choose which option to provide the customer. If WIC recipients run out of vouchers they can show the retailer their WIC card and still be able to opt out of the fee. This exemption does NOT apply to Supplemental Nutrition Assistance Program (SNAP, or food stamp) participants.

Can an Electronic Benefit Transfer (SNAP or food stamp) card cover the 5-cent fee for paper bags?

Recently some states have begun charging customers a fee for each shopping bag (plastic and/or paper) provided by a grocery store. Other states are considering charging grocery bag fees as well. State's grocery bag fees may **not** be paid for with SNAP benefits. In addition, the Food and Nutrition Service does not have authority to exempt SNAP clients from this fee. Therefore, grocery bag fees must be paid for using cash, credit card, or non-SNAP debit. Stores that give discounts at the point-of-sale if customers bring their own bags must treat SNAP clients in the same manner.

What are the environmental impacts of this new ordinance?

Removing the majority of plastic bags from the retail landscape requires community members to utilize reusable bags more often. The switch from single-use bags to reusable bags has the impact of lessening the life cycle impacts of plastic bag production, a decrease in greenhouse gas emissions associated with production and transport of the bags, and less material in our local landfill, and less litter in our woods, streams, and natural areas.

What will the statewide ban do to Eugene's ban?

Currently there is no statewide ban on plastic bags. If a statewide ban goes into effect, the City will determine the best way to move forward.

How will this law be enforced?

Similar to other city rules, the plastic bag ban will be enforced on a complaint-driven basis. The City of Eugene is taking an educational approach regarding this ordinance. If community members call and complain, City staff will talk to the retailer about the law and explain what is needed to comply. If it becomes clear a retailer is intentionally not complying they will be fined. To report a violation, please fill out a [nuisance complaint form](#).

What are the penalties for businesses if they do not comply with the ordinance?

The penalties for violating the new law will be consistent with other penalties outlined in Eugene Code. The amount of the fine is based on a number of factors, including barriers to compliance, frequency of violation, and efforts to comply; it is determined on a case-by-case basis.

How can shoppers keep their reusable shopping bags clean and safe?

A 2010 study showed that 97% of shoppers have never washed their reusable bags. There are a few simple steps shoppers can follow to keep reusable bags clean and to keep themselves and their families safe from germs. Wash reusable grocery bags at least once per month:

- Cloth reusable bags should be washed in a washing machine using laundry detergent and dried in the dryer or air-dried.

- Plastic-lined reusable bags should be wiped using hot water and soap and air-dried.
- Check that both cloth and plastic-lined reusable bags are completely dry before storing them.

Always put raw meats into a disposable plastic bag before putting them in a reusable bag. When using reusable bags, keep meats, fresh produce, and ready-to-eat foods separated from other food products. Additionally, consumers should clean any reusable bags used for carrying food before using for other purposes such as carrying books or gym clothes.

How can I remind customers to remember to bring their reusable bags to the store?

Here are a few useful tips you can tell your customers:

- “Bring Your Bag” reminders in the parking lot and store front to remind customers as they enter the building. City of Eugene can provide all Bring Your Bag logo graphic files free of charge.

I have a bag giveaway event I would like to publicize. How can I do that?

The City of Eugene will keep an updated list of stores giving away free or reduced price bags. To get your event on the list, please email all necessary information to Stephanie.scafa@ci.eugene.or.us.